

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**CORY JAMES SHIFFLETT,
AARON LEE KUNTZ and
ROBERT L. PRIME, III,**

Defendants.

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8:05CR259

ORDER

This matter is before the court on the motions for an extension of time by defendants Cory James Shifflett (Filing No. 32) and Robert L. Prime, III (Prime) (Filing No. 33). Both defendants seek an extension of time to file pretrial motions pursuant to paragraph 3 of the progression order. Defense counsel represent to the court that counsel for the government has no objection to the extension. Prime has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Prime consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 34). Counsel for Shifflett represents that Shifflett consents to the motion and the exclusion of time under the Speedy Trial Act and will be filing such an affidavit upon receipt. Upon consideration, the motions will be granted to the extent set forth below.

IT IS ORDERED:

1. Defendant Shifflett's and Prime's motions for an extension of time (Filing Nos. 32 and 33) are granted. **All defendants in this case** are given until **on or before September 9, 2005**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., the time between **August 22, 2005 and September 9, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The tentative setting of an evidentiary hearing for 1:30 p.m. on August 26, 2005, is **canceled** and will be re-scheduled in the event any pretrial motions are filed in accordance with this order.

DATED this 22nd day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge